

# Notice of Allowability

Application No.

09/833,097

Examiner

Talivaldis Ivars Smits

Applicant(s)

KENNEDY ET AL.

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment, filed 4/11/2007.
2. ☒ The allowed claim(s) is/are 1-71.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This communication is in response to the Amendment, filed 5/7/2007, responding to the Office Action mailed 3/23/2007. Applicant has amended independent claims 1 and 27 to overcome the rejection under 35 USC 101. This has placed them and their dependent claims in condition for allowance for reasons given in the previous Office Action.

Applicant also noted that due to administrative error **there was no claim 62** in the original application. Therefore the **original claims 63-72 have been renumbered as claims 62-71** for the purpose of allowing them. Thus claims 1-71 (rather than 1-61 and 63-72) are herein indicated as allowed, next.

### *Allowable Subject Matter*

2. Claims 1-71 are allowed over the prior art of record. The following is an examiner's statement of reasons for allowance:

Claims 1 and 27 are allowed since they recite a method of processing a claim comprising receiving information corresponding to a context free grammar expression of at least one provision governing claim adjudication, receiving information corresponding to a claim, calculating a score representing a confidence that the received information corresponding to the claim includes sufficient information to identify a provider and a

Art Unit: 2626

member, determining if the calculated score exceeds an auto-adjudication threshold, and if so, automatically determining whether the at least one provision applies to the claim based on the received information corresponding to the context free grammar expression of the at least one provision and the received information corresponding to the claim.

Peterson et al. (6,343,271 B1) teach an adjudicating system where the health care provider is able to download a form to prepare claims; the form is used to adjudicate the claims. Where the information pertaining to the claims is inputted and the information is supplied to the auto-adjudication system by a set rules based on criteria set by the insurer (col. 8, lines 16-20 and col. 9, lines 20-36). Trower II et al. (6,922,810) teach using a context free grammar to create an expression for input to a database information retrieval system (col. 5, lines 35-44).

Peterson et al. in view of Trower II et al. do not teach nor fairly suggest calculating a score representing a confidence that the received information corresponding to the claim includes sufficient information to identify a provider and a member, determining if the calculated score exceeds an auto-adjudication threshold and if so, automatically determining whether the at least one provision applies to the claim.

Claims 2-26 and 28-71 are allowed since they further limit the above claims or their parent claims.

Art Unit: 2626

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

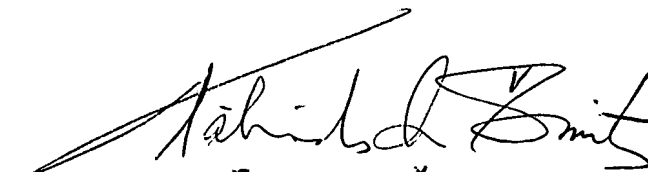
### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Talivaldis Ivars Smits whose telephone number is 571-272-7628. The examiner can normally be reached on 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2626

A handwritten signature in black ink, appearing to read 'Tālisvaldis Mārs Šmits'. The signature is fluid and cursive, with a long horizontal stroke at the beginning.

TĀLIVALDIS MĀRS ŠMITS  
PRIMARY EXAMINER

7/27/2007